

08/28/03  
46367 U.S. PTO

22154 U.S. PTO  
10/650304  
08/28/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of: John M. K. Daniel et al.

Examiner in immediately  
preceding parent application: Nguyen, Vi X

Serial No.: Unknown

Anticipated Group Art Unit: 3731

Filed: August 28, 2003

For: DISTAL PROTECTION DEVICE AND METHOD

Docket No.: 1001.1351114

Mail Stop Patent Application  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**REQUEST FOR FILING A CONTINUATION APPLICATION**  
**UNDER 37 CFR §1.53(B)**

CERTIFICATE UNDER 37 C.F.R. 1.10: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of :EV333849875US, in an envelope addressed to Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28th day of August, 2003.

By \_\_\_\_\_

*JoAnn Lindman*  
JoAnn Lindman

This is a request for filing a continuation application, under 37 CFR §1.53(b), of pending prior application Serial No. 10/160,450 filed on May 30, 2002, for an invention entitled DISTAL PROTECTION DEVICE AND METHOD.

1. Enclosed is a copy of the prior application, including the inventor's DECLARATION of John M.K. Daniel, Thomas E. Broome, David J. Holtan, Robert L. Cassell, and Daniel O. Adams, as originally filed on May 30, 2002.
2. I hereby verify that the enclosed papers are a true copy of prior application Serial No. 10/160,450 as filed on May 30, 2002, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

3. Cancel in this application original Claims 2-30 of the prior application before calculating the filing fee. At least one original independent claim has been retained for filing purposes.
4. The filing fee is calculated below:

CLAIMS AS FILED						
FOR:	(1) No. Filed	(2) No. Extra	SMALL ENTITY		OTHER	
			RATE	FEE	RATE	FEE
BASIC FEE	XXXXX	XXXXX	XXXXX	\$375	XXXXXX	\$750
TOTAL CLAIMS	1-20=	0	X 9=	\$	X 18=	\$
INDEPENDENT CLAIMS	1 - 3=	0	X 42=	\$	X 84=	\$
() MULTIPLE DEPENDENT CLAIM PRESENTED			+140=	\$	+280=	\$
TOTAL				\$	XXXXXX	\$750.00

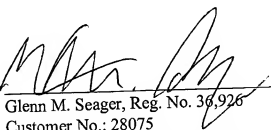
5. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 50-0413.
6. A check in the amount of \$ 750.00 is enclosed to cover the filing fee.
7. Amend the specification by deleting on page 1, "Incorporation by Reference" and the paragraph that follows, and inserting, immediately before "Background of the Invention" on page 1 thereof, the sentence -- This is a continuation of copending Application Serial No. 10/160,450 filed on May 30, 2002, which in turn is a continuation of Application Serial No. 09/735,332 filed on December 12, 2000, which in turn is a continuation of Application Serial No. 09/409,497 filed on September 30, 1999, which in turn is a continuation of Application Serial No. 08/943,358 filed on October 3, 1997, now U.S. Patent No. 6,001,118, which in turn is a continuation-in-part of Application Serial No. 08/810,825 filed on March 6, 1997, now U.S. Patent No. 5,814,064, which in turn is a continuation-in-part of Application Serial No. 08/813,794 filed on March 6, 1997, now U.S. Patent No. 5,827,324.--
8. Please find enclosed sixteen (16) sheets of formal drawings.
9. The power of attorney in the prior application is to CROMPTON SEAGER & TUFTE LLC. The power appears in the papers in the prior application file, and a copy is enclosed. Address all future communications to:

Glenn M. Seager  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue  
Suite 800  
Minneapolis, Minnesota 55403-2420

10. This patent application is assigned to SCIMED LIFE SYSTEMS, INC., pursuant to the Assignment recorded on March 24, 1998 at Reel 9053, Frame 0830.
11. A check in the amount of \$750.00.
12. Postcard Receipt.

Date:

Aug 26, 2003

  
Glenn M. Seager, Reg. No. 36,926

Customer No.: 28075

CROMPTON, SEAGER & TUFTE, LLC

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